

# BARNES & THORNBURG

11 South Meridian Street  
Indianapolis, Indiana 46204



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.: 30450

Group: 3681

Confirmation No.: 3793

Application No.: 10/627,051

Invention: THROTTLE CONTROL AND  
FAILURE ACCOMMODATION

Inventor: Michael D. Zieles et al.

Filed: July 25, 2003

Attorney  
Docket: 29766-77579

Examiner: Lorence, Richard M.

SUBMISSION OF POWER OF ATTORNEY  
TO PROSECUTE APPLICATIONS BEFORE THE USPTO  
AND  
STATEMENT UNDER 37 C.F.R. 3.73(B)

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits for the above-identified application the following: (1) Power of Attorney to Prosecute Applications Before the USPTO (Form PTO/SB/80) signed on September 28, 2004, by Marya M. Rose, the Vice President, General Counsel & Secretary of the Assignee of Record, and (2) a Statement Under 37 C.F.R. 3.73(b) (Form PTO/SB/96).

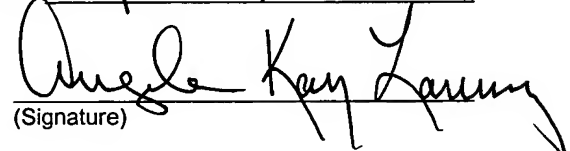
Please charge any fees that may be due in connection with this submission to our Deposit Account No. 10-0435, but not to include as payment of any issue fees.

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

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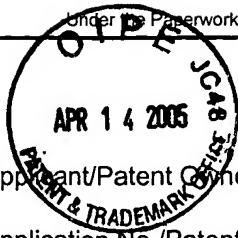
April 8, 2005

  
(Signature)

Angela Kay Lanning  
(Printed Name)

Respectfully submitted,

  
John H. Allie, Reg. No. 39,088  
Barnes & Thornburg LLP  
11 South Meridian Street  
Indianapolis, Indiana 46204-3335  
Tel.: (317) 261-7944  
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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Michael D. Zieles et al./Cummins, Inc.

Application No./Patent No.: 10/627,051 Filed/Issue Date: July 25, 2003

Entitled: **THROTTLE CONTROL AND FAILURE ACCOMMODATION**

Cummins, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014835, Frame 0836, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

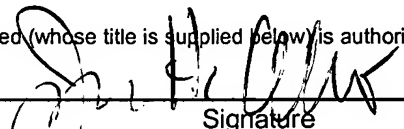
1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
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The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document (s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
\_\_\_\_\_  
Signature

**John H. Allie**

Printed or Typed Name

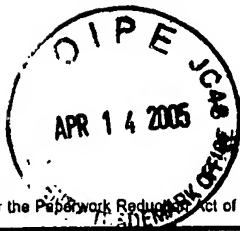
**Attorney of Record**

\_\_\_\_\_  
Title

April 8, 2005  
\_\_\_\_\_  
Date

**317-261-7944**

Telephone number



PTO/SB/80 (12-03)

Approved for use through 11/30/2005. OMB 0851-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:

☒ Practitioners associated with the Customer Number:

30450

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

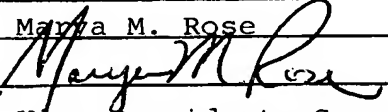
Assignee Name and Address:

Cummins, Inc.  
500 Jackson Street  
Columbus, IN 47201

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	Mary M. Rose			
Signature		Date	9/28/2004	
Title	Vice President, Gen. Counsel & Secretary		Telephone	812-377-3609

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions to reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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